

UNITED STATES DISTRICT COURT OF MASSACHUSETTS

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

FLAVIA BENITEZ  
PLAINTIFF

CIVIL ACTION # 04- CV- 11959-NG  
PRO -SE

VS

SODEXHO-MARRIOTT  
DEFENDANTS

COOLEY MANION JONES

THIS CIVIL ACTION WAS BROUGHT UNDER 42 U.S.C. 1983 FOR DEPRIVATION OF CIVIL RIGHTS PROTECTED BY THE US CONSTITUTION BILL OF RIGHTS.

42 U.S.C. 1983

"EVERY PERSON WHO UNDER COLOR OF ANY STATUTE , ORDINANCE , REGULATION , CUSTOM OR USAGE, OF ANY STATE OR TERRITORY , OR DISTRICT COLUMBIA , SUBJECTS OR CAUSES TO BE SUBJECTED , ANY CITIZEN OF THE UNITED STATES OR OTHER PERSON WITHIN THE JURISDICTION THEREOF TO THE DEPRIVATION OF ANY RIGHTS , PRIVILEGES , OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS , SHALL BE LIABLE TO THE PARTY INJURED IN AN ACTION AT LAW, SUIT IN EQUITY , OR OTHER PROPER PROCEEDING FOR REDRESS."

R. S. c. 1979 pub. 96- 170 c. 1 , DEC 29, 1979

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THE DEPRIVATION OF PRIVILEGES , IMMUNITIES AND CIVIL RIGHTS SECURED BY THE U.S.CONSTITUTION , FEDERAL AND STATE LAWS AND CIVIL RIGHTS SECTION 1981, 1983 , 1984

A) 42 x 1981 THAT IS EQUAL RIGHTS UNDER THE LAW.

a) STATEMENT OF EQUAL RIGHTS.

b) PROTECTION AGAINST IMPAIRMENT.

B) 42 x 1983 CIVIL ACTION FOR DEPRIVATION OF RIGHTS :

NOTES 430, 432, 433 , 738, 740, 743, 744, 746, 1082, 1084, 1088, 1083, 1086, 1120, 1710, 1708, 8002, 1202, 1203, 1204, 1207,

C) 42 x SECTION 1985 .

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS.

a) OBSTRUCTING JUSTICE , INTIMIDATING PARTY , WITNESS.

b) DEPRAVING PERSONS OF RIGHTS OR PRIVILEGES .

D) 42 x 1986

ACTION FOR NEGLECT TO PREVENT.

E) THE DEPRIVATION OF RIGHTS , PRIVILEGES AND IMMUNITIES SECURED BY THE U.S.CONSTITUTION AND THE BILL OF RIGHTS 42 U.S.C 2000h-2 AND EQUAL PROTECTION OF THE LAW 1975 (a). .

THE FIRST AMENDMENT AND FOURTEENTH AMENDMENT OF BILL OF RIGHTS

FIRST AMENDMENT -FREEDOM ( SHALL NOT BE VIOLATED)

FOUR AMENDMENT THE RIGHT OF PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES , PAPERS, AND EFFECT AGAINST UNREASONABLE SEARCHES AND SEIZURES , SHALL NOT BE VIOLATED.

SEVEN AMENDMENT ( THE RIGHT OF TRIAL BY A JURY SHALL BE PRESERVED).

FOURTEENTH AMENDMENT

NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZEN OF THE LIMITED STATES NOR SHALL ANY STATE DEPRIVE ANY PERSON , LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW, OR DENY TO ANY PERSON WITHIN ITS JURISDICTION TO EQUAL PROTECTION OF THE LAWS.

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F) THE DEPRIVATION OF THE PLAINTIFF RIGHTS PROVIDED UNDER THE FAIR FEDERAL EMPLOYMENT STANDARDS AND EQUAL EMPLOYMENT OPPORTUNITY. 42 x 2000e -4 note EON 12106, 12101 -12213.

THE FAIR EMPLOYMENT LAW DECLARES THAT IT IS ILLEGAL TO DISCRIMINATE ON BASIS OF RACE, COLOR , RELIGIOUS CREED , NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, AGE , ANCESTRY OR DISABILITY.

1-IT IS UNLAWFUL TO:

PRINT OR CIRCULATE ANY ADVERTISEMENT OR USE ANY APPLICATION FORM WHICH DIRECTLY OR INDIRECTLY SPECIFIES ANY LIMITATION ON THE BASIS OF RACE, COLOR , RELIGIOUS CREED , NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION , AGE, ANCESTRY OR DISABILITY.

2- IT IS UNLAWFUL TO:

DISCHARGE OR REFUSE TO HIRE ANY INDIVIDUAL ON THE BASIS OF RACE, COLOR , NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, AGE, ANCESTRY, OR DISABILITY.

DENIAL EQUAL EMPLOYMENT OPPORTUNITY 42 x 2000e-6

3-IT IS UNLAWFUL TO:

DISCRIMINATE AGAINST ANY INDIVIDUAL IN MATTERS RELATING TO COMPENSATION , TERMS, CONDITION, OR PRIVILEGES OF EMPLOYMENT BECAUSE OF RACE, COLOR , ANTIONAL ORIGIN, RELIGIOUS CREED , SEX SEXUAL ORIENTATION , AGE , ANCESTRY, OR DISABILITY.

4-IT IS UNLAWFUL TO :

REFUSE TO GRANT A FEMALE EMPLOYEE AT LEAST 8 WEEKS LEAVE FOR PURPOSES OF CHILDBIRTH OT TREAT HER ABSENCE DIFFERENTLY THAN ANY OTHER ABSENCE DUE TO DISABILITY.

5- IT IS UNLAWFUL TO:

REQUIRE AN EMPLOYEE TO REMAIN AT WORK DURING ANY DAY OR PART THEREOF THAT HE OR SHE OBSERVES AS A RELIGIOUS HOLIDAY PROVIDED THAT THE EMPLOYEE GIVE A TEN - DAY NOTICE AND THE ABSENCE DOES NOT CAUSE UNDUE HARDSHIP TO THE EMPLOYER.

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**6-IT IS UNLAWFUL TO :**

DISCHARGE OR REFUSE TO HIRE ANY PERSON BECAUSE OF THEIR FAILURE TO FURNISH INFORMATION CONCERNING ADMISSION TO A CENTER FOR TREATMENT OF MENTALLY ILL PERSONS.

**7- IT IS UNLAWFUL TO:**

DISCRIMINATE AGAINST A JOB APPLICANT FOR FAILURE TO FURNISH INFORMATION WRITTEN OR ORAL CONCERNING:

- a) AN ARREST , DETENTION, OR DISPOSITION REGARDING A VIOLATION OF LAW IN WHICH NO CONVICTION RESULTED;
- b) A FIRST CONVITION FOR ANY OF THE FOLLOWING MISDEMEANORS, DRIVING UNDER THE INFLUENCE, SIMPLE ASSAULT , SPEEDING, MINOR TRAFFIC VIOLATION, DISTURBANCE OF PEACE;
- c) CONVICTION FOR A MISDEMEANOR WHERE THE DATE OF THE CONVICTION OR END OF PERIOD OF INCARCERATION IF ANY, OCCURRED MORE THAN FIVE YEARS PRIOR THE EMPLOYMENT APPLICATION, AND THE APPLICANT HAS NOT BEEN CONVICTED OF ANY OFFENSE WITHIN THE FIVE YEARS IMMEDIATELY BEFORE THE DATE OF APPLICATION.

**8- IT IS UNLAWFULL TO :**

RETALIATE AGAINST ANY PERSON BECAUSE HE OR SHE HAS OPPOSED ANY PRACTICES FORBIDDEN UNDER THE LAW, BECAUSE HE OR SHE HAS FILED A COMPLAIN , TESTIFIED OR ASSISTED IN ANY PROCEEDING , IT ALSO ILLEGAL TO AID , ABET, INCITE , COMPEL OR COERCE, THE DOINGS OF ANY OF THE ACTS FORBIDDEN BY LAWS.

RETALIATION 42U.S.C 1997d

G) CONSPIRACY NEGLECT TO PREVENT .  
CONSPIRACY TO INTERFERE WITH SECURED RIGHTS.

42 x 1985 , 1986.

2)OBSTRUCTING JUSTICE , INTIMIDATING PARTY, WITNESS.

3) DEPRIVING PERSONS OF RIGHTS , PRIVILEGES OR IMMUNITIES.

42 U.S.C .2000a- 2 PROHIBITS DEPRIVATION OF , INTERFERENCE WITH, AND PUNISHMENT FOR DENYING RIGHTS AND PRIVILEGES SECURED BY  
42 U.S.C 2000a - 1.

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INTIMIDATION THREATS OR COERCION LOSS OF RIGHT TO EQUAL PROTECTION OF LAW , DEPRIVATION OF , COMPLAIN, JUDICIAL POWER TO ENSURE COMPLIANCE WITH CONSTITUTIONAL STANDARDS 42 x 2000 c -6

A RELIEF FROM DENIAL OF EQUAL PROTECTION OF LAWS ON ACCOUNT OF RACE , COLOR , RELIGION, NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION , AGE OR DISABILITY.

42 U.S.C. 2000h -2

VIOLETION OF CERTAIN LAWS SUCH AS:  
FAMILY MEDICAL LEAVE, EQUAL PAY, DEFAMATION, PRIVACY.  
AND DISCRIMINATING BECAUSE OF AGE , DISABILITY, NATIONAL ORIGIN, RACE , COLOR ,BY DENYING EQUAL PROTECTION UNDER THE LAWS.

BY THE VIOLETION OF THE FIRST , FOUR ,AND FOURTHEENTH AMENDMENTS OF THE U.S CONSTITUTION BILL OF RIGHTS.

DENIAL PROTECTION UNDER FEDERAL ,STATE AND LOCAL LAWS  
FAIR FEDERAL EMPOLYMENT STANDARDS :

CONSTITUTIONAL BILL OF RIGHTS.  
FIRST AND FOURTEENTH AMENDMENTS  
EQUAL EMPLOYMENT OPPORTUNITY  
DENIAL EQUAL PROTECTION OF LAWS.

1975 ( a) 42 x 2000 h-2  
DISCRIMINATION BASED ON DISABILITY OF INDIVIDUALS WHO HAVE OR PERCEIVE TO HAVE A DISABILITY: UNDER TITLE VII 42US.C2000e-2 NOTES 269, 270, 272. MASS. GEN. LAW 151B 4(16)(17) , 12101-12213 ; AGE DISCRIMINATION : 42US.C 2000e-9 NOTE 281 , 29 U.S.C 621-634 ; MASS GEN LAW 151 B 1 ; NATIONAL ORIGIN,

FAIR FEDERAL EMPLOYMENT STANDARDS : 42x2000e-4 , 12101-12213 , 151B.  
FAMILY MEDICAL LEAVE: 42 x 2000e note 266 ; MASS. GEN LAW 151B 1 ( 5 ), 149, 105D , 52D .

EQUAL PAY ACT : 42.2000e-10 ; 29. 206 ( d)

RETALIATION: 42u.s.c 2000e-2 NOTES 218 , 219. ; 42.1997 ( d).

WRONGFUL TERMINATION :42 x 2000h-2

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DEFAMATION: 42x 1975 (d) , 42 x 1997 (e)

PRIVACY : FIRST AND FOURTEENTH AMENDMENTS

ASSERTION OF RIGHTS BASED ON FEDERAL , STATE AND LOCAL LAWS PURSUANT OF REMEDIES FOR ENFORCEMENT OF SUCH RIGHTS AND PERSONS LIABLE.42U.S.C 2000e-7. REMEDIES ARE AVIABLE PUNISHMENT , PENALTIES AND FORFEITURES UNDER COLOR LAW FINE 18 x 242 DAMAGES IN INTENTIONAL DISCRIMINATION ( 42U.S.C 1981(a) , 42 U.S.C. 2000e-2 NOTES 649, 669, 809 , 42U.S.C 2000e-7, 42 U.S.C 1997 (a) DEPRIVING THE EXERCISE OF RIGHTS , PRIVILEGES AND IMMUNITIES SECURED BY FEDERAL AND STATE LAWS. AND CONSTITUTIONAL BILL OF RIGHTS.

REASONABLE ACCOMMODATION AND GOOD FAITH EFFORT PRECLUDING AWARDS OF DAMAGES FOR INTENTIONAL DISCRIMINATION IN EMPLOYMENT UNDER 42 U.S.C 1981 (a), THE MERIT SYSTEM AWARDS AND INJUNCTIVE CIVIL ACTION EQUITABLE RELIEF AND PERSONAL SUITS FOR RELIEF AGAINST DISCRIMINATION AND DEPRIVATION OF EQUAL PROTECTION SECURED BY FEDERAL ,STATE AND LOCAL LAWS .THE PLAINTIFF SHALL BE COMPENSATED FOR ECONOMICAL DAMAGES ,PHYSICAL INJURIES AND EMOTIONAL INJURIES.

42 U.S.C 1981 (a)

a) RIGHT TO RECOVERY.

b) COMPENSATORY AND PUNITIVE DAMAGES

c) JURY TRIAL SEVEN AMENDMENT AND 42 U.S.C 2000d-2 NOTE 8.

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COMPENSATION IS PROVIDED 42 x 2000e- 2 NOTES 638,640,645 649, 669, 808, 809.;  
42 U.S.C 1997(a) AND THE MERIT SYSTEM AWARDS.  
42 x 2000b -2 ; 42 x 2000c- 8 ; 42 x 2000a -2; 42 x 2000a -3 ; 42 x 2000 c-7 ; 42 x 2000a-1  
42 x2000a ; 42 x 1997 c ; 42 x 1982 ; 42 x 1981(a) ; 42 x 1988 ; 42 x 2000c -2 ; 42 x 5174;  
42 x 1395 h ; 42 x 2000 h-2 ; 42 x 242 b ; 42 x 2000d- 1 ; 42 x 280 note , 42 x 2000e-2  
NOTES 638, 640, 645, 649, 669, 808, 809.  
42 x 2000d-7 ; 42 x 2000e -10 ; 42 x 2000 b-1 ; 42 x 246, 9401, 42, x 1975 b.  
THE MERIT SYSTEM AWARDS 5 x 6381 ; 5 x 2301 ; 5 x 2302 ; 5 x 3330 ; 5 8339 ;  
31 x 3527 ; 10 x 9447 ; 10 x 9443 ; 5 x 8141 ; 12 x 5005 ; 5 x 8337 , 5 x 8342 ; 5 x 7513 ;  
5 x 3301 ;

NOVEMBER 2, 2006.

SUBMITTED BY  
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